

**BOARD OF NURSING  
MINUTES  
December 8, 2005**

- PRESENT:** June Bahr, Terri Garcia, Peg Heine, Gretchen Lowe, Blaine Ropson, Kathleen Sullivan, Margaret Wood, Marilyn Kaufmann (via telephone for portion of meeting)
- EXCUSED:** Jacqueline Johnsrud
- STAFF PRESENT:** Kimberly Nania, Administrator of Division of Board Services; Colleen Baird, Legal Counsel; Roxanne Peterson, Direct Licensing Coordinator; Other DRL Staff
- GUESTS:** Judy Warmuth, WHA; Sally Lundeen, WNA, Gina Dennik-Champion-WNA, Jeff Renier, WANA, Jeremy Levin, Wisconsin Medical Society

**CALL TO ORDER**

June Bahr, Vice Chair, called the meeting to order at 9:15 a.m. A quorum of seven members was present. In addition, Marilyn Kaufmann participated in the discussion regarding nurse educator issues via telephone.

**APPROVAL OF AGENDA**

**Additions to the Agenda:**

- Open Session: DOE Enforcement Priorities
- Closed Session:
  - Monitoring:
    - Request for full reinstatement – Peter Leonard
    - Request for reinstatement – Ritz Pitzer
    - Request for 3-month stay and modification – Bethany Boaman
    - Request for 3-month stay and modification – Lucinda Kujawa
    - Possible violation of Board Order – Kim Jacobson
    - Request for 3-month stay and modification – Richard Munster
  - IPP 624 – Request to be in IPP
  - Deliberation of Proposed Decision – Karen Corcoran, LPN
  - Additional Material re: Duane R. Queen
  - Proposed Stipulations
    - Jean M. Larscheidt, RN 05 NUR 324
    - Marge Seibel 03 NUR 265
    - Gloria M. Hogans, LPN 02 NUR 094
    - Kathleen R. Wall, RN 02 NUR 094

**MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, to approve the agenda of December 8, 2005, as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF NOVEMBER 10, 2005**

#### **Amendments to the Minutes:**

- Open Session: Under “Discuss & Review ACNM Testimony on AB 709, second motion, change “Margaret Wood” moved, to “Gretchen Lowe” moved.

**MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to approve the minutes of November 10, 2005, as amended. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

Kimberly Nania reported on the Department’s continuing efforts in continuing to address issues and finalize our move to the new area.

### **DOE ENFORCEMENT PRIORITIES**

Eric Callisto, Administrator, Division of Enforcement, met with the Board to discuss the complaint handling prioritizing system and to discuss how DOE can continue to improve the needs of the Board in prioritizing cases. Mr. Callisto reported that DOE has set as its deadline to have all of the 2003 cases filed or resolved by September, 2006.

The Board received a chart entitled “Results of DOE Complaint Handling Priorities Survey” which lists 11 categories of nursing complaints and the rating of each category in relation to priority of most important to least important. Eric Callisto requested that the Board contact him regarding any comments they may have after reviewing the chart.

The Board requested that Eric Callisto meet with the Board at its next meeting to present information regarding the remedial education program option which has been offered by DOE in some cases of other Boards.

### **PRESENTATION OF PROPOSED STIPULATIONS:**

There were three proposed stipulations before the Board in the following matters:

- Holly Gerstl (05 NUR 055)
- Janet Olu Ibitoye, RN (02 NUR 099 & LS 0508102 NUR)
- Toni Sheldon, RN (03 NUR 187)

### **PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA**

There were four proposed stipulation received after the mailing of the agenda before the Board in the following matters:

- Jean M. Larscheidt, RN (05 NUR 324)
- Marge Seibel (03 NUR 265)
- Gloria M. Hogans, LPN (02 NUR 094)
- Kathleen R. Wall, RN (02 NUR 094)

### **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

The Board reviewed the summary reports with Colleen Baird, Legal Counsel.

### **NON-STATE BOARD APPROVED MILITARY TRAINING FOR RN**

Kimberly Nania reported that recently the Department has been receiving applications for licensure by endorsement from persons in the military who have been trained in the military in a non-state board approved training situation. Ms. Nania asked the Board to consider doing a position paper on this issue and perhaps have a standard form letter which might include options available.

The Board discussed licensure options for military personnel who have not graduated from a board-approved course. Barb Showers, Office of Examinations, explained that it has been the Board's policy that it only accept programs that have been approved by other state boards. The New York State Excelsior program for registered nurses permits persons to test out of all courses in the nurse curriculum and the clinical. If the person passes, they receive a degree from the Excelsior program which is the equivalent to a graduate degree from an approved college, making the applicant eligible for NCLEX and licensure.

Board members and Barb Showers will research this issue further so that the issue can be discussed at the next Board meeting. No action was taken at this time regarding a white paper.

### **STATUS OF RULES AND STATUTES**

Colleen Baird, Legal Counsel, reported on the status of an administrative rule relating to endorsement.

Kim Nania reported that a scope statement relating to a criminal background check for nurses had been expanded to include other professions and has been sent to Pamela Haack. Once the scope statement is published, the rule can be drafted.

### **REQUEST FOR SUPPORT RE: REMOTE MONITORING LICENSURE BILL**

The Board discussed correspondence regarding the remote monitoring licensure bill. By consensus, the Board agreed that this bill will not have a great impact in Wisconsin. No action was taken on this bill.

## **DISCUSSION RE: NURSE EDUCATOR ISSUES**

Sally Lundeen, UW-Milwaukee/WCN, and Judy Warmuth, WHA met with the Board to discuss nurse educator issues. Discussion centered on the current administrative rules relating to nurse faculty and educational requirements for nurse educators and possible actions that could be taken to remedy the nurse educator shortage..

**MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to create a joint sub-committee to address solutions and recommendations regarding the nurse educator issues and that this sub-committee consists of representatives of the Board of Nursing, WCN and other interested persons. Motion carried unanimously. *[Note: Marilyn Kaufmann and Sally Lundeen will be in contact to set up the specifics to implement the sub-committee.]*

## **INFORMATIONAL ITEMS**

Correspondence from University of Delaware re: RN Refresher Course. Noted.

Correspondence from South Dakota State University re: Continuing Education (CNE). Noted.

Correspondence from WANA re: Wisconsin Senate Bill 434 re: Anesthesia regulation by the Medical Examining Board. Noted.

## **REPORT OF WI CENTER FOR NURSING**

Sally Lundeen reported that the WCN obtained its 501.c.3 status in September, 2005, and that the Search Committee has identified three potential candidates for executive director.

## **REPORT OF EDUCATION AND LICENSURE COMMITTEE**

The Committee discussed the NCLEX pass rate monitoring for the third quarter and concerns relating to the nursing faculty issues.

## **REPORT OF PRACTICE COMMITTEE**

None.

## **CORRESPONDENCE AND INQUIRIES RECEIVED BY LEGAL COUNSEL**

None.

## **CONSULT WITH LEGAL COUNSEL**

Kim Nania requested that the Board members respond to Colleen Baird's phone calls as soon as possible so that she can respond to practice questions in a timely manner.

### **VISITOR COMMENTS**

Noted.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Blaine Ropson moved, seconded by Peg Heine, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats., and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: Blaine Ropson-yes; Terrie Garcia-yes; Gretchen Lowe-yes; Kathleen Sullivan-yes; Margaret Wood-yes; June Bahr-yes. Motion carried unanimously.

Open Session recessed at 11:15 a.m.

### **RECONVENE INTO OPEN SESSION**

**MOTION:** Blaine Ropson moved, seconded by Terry Garcia, to reconvene in open session at 2:40 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

#### **IMPAIRED PROFESSIONALS PROGRAM (IPP)**

**MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, to deny candidate IPP 624's request to be placed in the IPP program due to the fact that the candidate did not disclose the entire circumstances surrounding her violation. Motion carried unanimously.

#### **APPLICATION AND EVALUATION OF EDUCATION - JESUSA TUERES**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to deny Jesusa Agustina Tueres' application and to refer her to COGFNS. Motion carried unanimously.

### **ENDORSEMENT APPLICATION FOR REINSTATEMENT – KRISTEN BENEDICT**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to defer action on Kristen Benedict's application pending further information regarding her criminal record and upon verification of some form of current licensure from Minnesota. Motion carried unanimously.

**CHECK LPN MILITARY TRAINING/EDUCATION & NEED APPROVAL FOR LPN  
NCLEX – DUANE QUEEN**

**MOTION:** Blaine Ropson moved, seconded by Gretchen Lowe, to deny Duane Queen's request to sit for the LPN NCLEX exam on the basis he did not graduate from a professional school of nursing and to direct that Colleen Baird, Legal Counsel, send a letter to Mr. Queen advising of such. Motion carried unanimously.

**MONITORING  
DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA**

**PETER LEONARD, RN**

**MOTION:** Terrie Garcia moved, seconded by Kathleen Sullivan, to grant Peter Leonard full licensure based upon consultation with the Department Monitor. Motion carried unanimously.

**RITA PITZER, RN**

**MOTION:** Margaret Wood moved, seconded by Peg Heine, to deny Rita Pitzer's request for reinstatement and direct that the Department Monitor send Ms. Pitzer a letter advising her that she must show 3 months of compliance with the terms and conditions of the Final Decision and Order based upon consultation with the Department Monitor. Motion carried unanimously.

**BETHANY BOAMAN, RN**

**MOTION:** Gretchen Lowe moved, seconded by Blaine Ropson, to grant Bethany Boaman a 3-month stay of suspension but deny Ms. Boaman's request for modification of the order which would allow her to handle and dispense controlled substances at this time, based upon consultation with the Department Monitor. Motion carried unanimously.

**LUCINDA KUJAWA, RN**

**MOTION:** Kathleen Sullivan moved, seconded by Margaret Wood, to grant Lucinda Kujawa a 3-month stay of suspension but deny her request for modification of the order which would allow he access to controlled substances, based upon consultation with the Department Monitor. Motion carried unanimously.

**KIMBERLY JACOBSON, LPN**

**MOTION:** Kathleen Sullivan moved, seconded by Gretchen Lowe, to rescind Kimberly Jacobson's stay of suspension and offer her a voluntary suspension, based upon consultation with the Department Monitor. Motion carried unanimously.

**RICHARD MUNSTER, RN**

**MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, to grant Richard Munster a 3-month stay of suspension with modification to the order to lower his random urine screens to 56 times per year, based upon consultation with the Department Monitor. Motion carried unanimously.

**JAMIE HINES**

**MOTION:** Gretchen Lowe moved, seconded by Kathleen Sullivan, to grant Jamie Hines a 3-month stay of suspension retroactive to October 6, 2005, based upon consultation with the Department Monitor, and that the Department Monitor send a letter of apology on behalf of the Board explaining that the Board did not have enough information at the time. Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS**

**KAREN A. CORCORAN, LPN**

**MOTION:** Kathleen Sullivan moved, seconded by Margaret Wood, to accept the Findings of Fact, Conclusions of Law and Order in the disciplinary proceedings against Karen A. Corcoran, LPN. Motion carried unanimously.

**STACY L. FOX, RN**

**MOTION:** Blaine Ropson moved, seconded by Gretchen Lowe, to accept the Findings of Fact, Conclusions of Law and Order in the disciplinary proceedings against Stacy L. Fox, RN. Motion carried unanimously.

**STIPULATIONS**

**HOLLY GERSTL, RN (05 NUR 055)**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Holly R. Gerstl, RN. Motion carried unanimously.

**JANET OLU IBITOYE, RN (02 NUR 099 & LS0508102 NUR)**

**MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Janet Olu Ibitoye, RN. Motion carried unanimously.

**TONI SHELDON, RN (03 NUR 187)**

**MOTION:** Gretchen Lowe moved, seconded by Kathleen Sullivan, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Toni Sheldon, RN. Motion carried unanimously.

**JEAN MARIE LARSCHIEDT, RN (05 NUR 324)**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against, Jean Marie Larscheidt, RN. Motion carried unanimously.

**MARGE M. SEIBEL, LPN (03 NUR 265)**

**MOTION:** Blaine Ropson moved, seconded by Kathleen Sullivan, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Marge M. Seibel, LPN. Motion carried unanimously.

**GLORIA M. HOGANS, LPN (02 NUR 256)**

**MOTION:** Blaine Ropson moved, seconded by Peg Heine, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gloria M. Hogans, LPN. Motion carried unanimously.

**KATHLEEN R. WALL, RN**

**MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kathleen R. Wall, RN. Motion carried unanimously.

**ADMINISTRATIVE WARNING**



**DIANA STROSHINE, RN, APNP (04 NUR 267)**

**MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to accept the Administrative Warning as written in the matter concerning Diana Stroshine, RN, APNP (04 NUR 267). Motion carried unanimously.

**DELIBERATION OF ORDER FIXING COSTS THAT MAY BE RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

None.

**DIVISION OF ENFORCEMENT & CASE STATUS REPORT**

**CASE CLOSINGS**

**MOTION:** Terrie Garcia moved, seconded by Margaret Wood, to close case 03 NUR 152 for no violation. Motion carried unanimously.

**MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to close case 04 NUR 341 for no violation. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by Gretchen Lowe, to close case 04 NUR 399 for prosecutorial discretion (P2). Motion carried unanimously.

**MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to close case 02 NUR 102 for no violation. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by Margaret Wood, to close case 05 NUR 023 for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to close case 03 NUR 227 for compliance gained. Motion carried unanimously.

**MOTION:** Terrie Garcia moved, seconded by Peg Heine, to close case 05 NUR 332 for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Peg Heine moved, seconded by Gretchen Lowe, to close case 05 NUR 333 for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to close case 05 NUR 334 for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Margaret Wood moved, seconded by Terrie Garcia, to close case 05 NUR 335 for prosecutorial discretion. Motion carried unanimously.

### **CONSULTING WITH LEGAL COUNSEL**

Colleen Baird reported on the pre-hearing conference relating to the petition for a declaratory ruling by the Medical Examining Board concerning the opt-out issue.

The Board reviewed correspondence from WANA re: Wisconsin Senate Bill 434 re: Anesthesia regulation by the Medical Examining Board.

**MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, that the Board oppose SB 434 and that Colleen Baird draft a letter stating this for Jacquelynn Johnsrud's signature. Motion carried unanimously.

### **OTHER BOARD BUSINESS**

#### **Language Revisions to Stipulations**

By consensus, the Board requested that the Stipulations be revised to include a statement that licenses can only work a maximum of 40 hours per week.

#### **Quorum for January 26, 2006, Board Meeting**

Blaine Ropson and Margaret Wood advised that they will not be available for the January 26, 2006 Board meeting.

### **ADJOURNMENT**

**MOTION:** Blaine Ropson moved, seconded by Kathleen Sullivan, to adjourn the meeting at 2:45 p.m. Motion carried unanimously.

Meeting adjourned at 2:45 p.m.

**NEXT MEETING: January 26, 2006**